

DARREN T. BRENNER
Nevada Bar No. 8386
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200
(702) 949-8398 (fax)
Attorneys for Plaintiff
MetLife Investors USA Insurance Company

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

METLIFE INVESTORS USA INSURANCE
COMPANY,

Case No.: 2:12-cv-01440-RCJ-PAL

Plaintiff,

vs.

**STIPULATION AND ORDER TO
COMPLETE INTERPLEADER**

VISTANA CONDOMINIUM
HOMEOWNERS ASSOCIATION; NANCY
QUON LIFE INSURANCE TRUST DATED
FEBRUARY 10, 2005 and PATRICIA M.
ARNOTT as the Trustee of the NANCY
QUON LIFE INSURANCE TRUST, and
DOES I through X; and ROES I through X,

Defendants.

In accordance with Federal Rule Civil Procedure 22 and 67, Metlife Investors USA Insurance Company ("MetLife"), Vistana Condominium Owners Association, Inc. ("Vistana"); Nancy Quon Life Insurance Trust Dated February 10, 2005 ("Quon Trust"); and Patricia M. Arnott ("Arnott"), stipulate that:

1. Vistana on the one hand, and Quon Trust and Arnott on the other, shall interplead their adverse and conflicting claims to the death benefit payable under Policy No. 208-212-104-US (the "Policy");

///

///

1 2. MetLife will deposit the amount of \$8,073,941.47 with the Clerk of Court pending
2 the Court's final dispositions of the adverse claims to the death benefit. This amount is calculated
3 as follows:

- 4 a. \$8,000,000 death benefit;
5 b. \$4,585.45 premium renewal;
6 c. \$69,083.02 in Interest calculated at 10.50% from the 30 days after Quon Trust
7 submitted a claim (July 15, 2012)¹ through the date of that the interpleader
8 complaint was filed (August 14, 2012).

9 3. MetLife is discharged from any further proceedings in this case with prejudice and
10 relinquishes any and all claims to the interpled funds;

11 4. As of the date of delivery of the subject death benefit by MetLife to the Clerk of
12 Court, MetLife is forever discharged from liability to the defendants in regard to the subject matter
13 of this action;

14 5. Vistana, Arnott, and the Quon Trust, along with their respective attorneys and
15 agents, are restrained from initiating any proceedings against MetLife and its affiliated companies
16 in connection with the subject Policy or death benefit, including, without limitation, any claim or
17 proceeding for damages, declaratory relief, costs, interests, or attorney fees; and

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ¹ The claim was received by MetLife on June 15, 2012.

6. The parties waive their right to any costs, fees, policy benefit, damages, or interest against MetLife, except that which is articulated in this agreement.

DATED this 9 day of November, 2012.

LEWIS AND ROCA LLP

HUTCHISON & STEFFEN, LLC

By 

By 

DARREN T. BRENNER

TODD L. MOODY

Nevada Bar No. 8386

Nevada Bar No. 5430

3993 Howard Hughes Parkway

Peccole Professional Park

Suite 600

10080 West Alta Drive, Suite 200

Attorneys for Plaintiff

Las Vegas, NV 89145

MetLife Investors USA Insurance Company

Attorneys for Defendants

Quon Trust and Arnott

GIBBS, GIDEN, LOCKER, TURNER &
SENET, LLP

By 

RICHARD E. HASKIN

Nevada Bar No. 11592

7450 Arroyo Crossing Parkway

Suite 270

Las Vegas, NV 89113

Attorneys for Defendant Vistana

Condominium Owners Association, Inc.

ORDER

IT IS SO ORDERED:

DATED: December 10, 2012.


UNITED STATES DISTRICT JUDGE

6. The parties waive their right to any costs, fees, policy benefit, damages, or interest against MetLife, except that which is articulated in this agreement.

DATED this 9 day of November, 2012.

LEWIS AND ROCA LLP

By /s/
DARREN T. BRENNER
Nevada Bar No. 8386
3993 Howard Hughes Parkway
Suite 600
Attorneys for Plaintiff
MetLife Investors USA Insurance Company

HUTCHISON & STEFFEN, LLC

By /s/
TODD L. MOODY
Nevada Bar No. 5430
Pecole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Attorneys for Defendants
Quon Trust and Arnott

GIBBS, GIDEN, LOCKER, TURNER &
SENET, LLP

By /s/
RICHARD E. HASKIN
Nevada Bar No. 11592
7450 Arroyo Crossing Parkway
Suite 270
Las Vegas, NV 89113
Attorneys for Defendant Vistana
Condominium Owners Association, Inc.

ORDER

IT IS SO ORDERED:

DATED: _____, 2012.

U.S. DISTRICT COURT JUDGE